

## ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development proposes to amend Chapter 314, "Renewable Fuel Infrastructure Program Administration," Iowa Administrative Code.

This amendment is intended to address the situation in which a project is already completed when an award is made. The proposed amendment changes the starting date for calculating the three- or five-year period during which the grant recipient must continue to dispense renewable fuel.

The current rules provide that a grant recipient must continue to dispense renewable fuel for a period of three or five years (duration varies by program component) from project completion. The three- or five-year period will have passed for projects already completed when the award is made. In such cases, the day the grant recipient signs the contract with IDED, the recipient will have met the three- or five-year "continued use of renewable fuel" requirement because the requirement is tied to project completion (a date that has already occurred), not to a date stated in the contract.

The proposed amendment provides that, for completed projects, the three- or five-year continued-use obligation begins on the date of the first disbursement of grant funds by IDED, not on the date of project completion. For projects under construction or not yet begun, the three- or five-year continued-use obligation begins on the date the project is completed.

Public comments concerning the proposed amendment will be accepted until 4:30 p.m. on May 26, 2009. Interested persons may submit written comments to Dick Vegors, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)242-4796.

A public hearing will be held Tuesday, May 26, 2009, from 2:30 until 4 p.m. in the ICN/Main Conference Room, Second Floor, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309.

This amendment is intended to implement Iowa Code sections 15G.201 to 15G.206.

The following amendment is proposed.

Amend paragraph **314.5(2)"e"** as follows:

*e.* ~~Recite the penalty for the storage or dispensing, within the stated time frame of three years or five years from submission of verified documentation of project completion, of motor fuel other than the type of renewable fuel for which the grant was awarded.~~

(1) Awards for projects under construction or not yet started. The three- or five-year obligation to continue dispensing renewable fuel begins on the date the project is completed.

(2) Awards for projects already completed. The three- or five-year obligation to continue dispensing renewable fuel begins on the date the department issues the first disbursement of grant funds, not on the date of project completion.